

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CHRISTOPHER WITHERS,

Plaintiff,

v.

SAM GREEN, et al.

Defendants.

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Case No. 6:20cv65

DECLARATION OF DWAYNE WADE

Commonwealth of Virginia, County of Campbell to wit:

1. My name is Dwayne Wade.
2. I am over the age of eighteen (18) and competent to declare the matters contained herein.
3. I base the information contained in this Declaration on my personal knowledge.
4. In September 2018, I was an employee of the Campbell County Sheriff's Office and held the rank of Captain.
5. On September 29, 2018, I received a call to respond to an incident involving a vehicle that had collided into a house on Chinook Drive in Lynchburg, Virginia.
6. I proceeded to the accident scene and Lieutenant Sam Green of the Campbell County Sheriff's Office advised that he was en route to the scene as well.
7. I arrived at the accident scene first and advised Lieutenant Green that he could cut back his response to the vehicle crash because a Virginia State Police officer had arrived at the scene.

8. At that time, Green advised that he intended to stop a vehicle in front of him that had failed to allow Green to pass.

9. As Green's vehicle and the vehicle I later learned to be driven by Withers approached the intersection of Chinook Drive and Camp Hydaway Road and Old Rustburg Road, the Virginia State Police officer and I attempted to stop Withers by signaling with our flashlights and yelling for him to stop.

10. Withers did not attempt to stop.

11. Withers turned right on to Old Rustburg Road.

12. At that point I decided to join Green's pursuit of Withers' vehicle.

13. Withers finally came to a stop just before where Lone Jack Road meets Old Rustburg Road because he could not get past a firetruck stopped in the middle of the road.

14. When I arrived, Green had already approached Withers' vehicle, and I exited my vehicle to assist.

15. As I approached the vehicle, I could not see Withers' right hand, and it appeared that he was reaching for something toward the back of the console or back floorboard area.

16. Green had opened the driver's door and was able to reach in and grab Withers, pull him towards the doorway, and grab his arm.

17. Green had control of Withers' left arm, but Withers was still pulling back toward the interior of the car.

18. Green used an "elbow to the sky" control hold to get Withers moving in an upward and outward direction, and I grabbed Withers right arm in an attempt to take him down to the ground outside of the vehicle.

19. Withers' momentum kept us going toward the side of the road instead of to the ground.

20. As we continued toward the side of the road, I was able to successfully take down Withers using an arm bar takedown into a rough-cut grassy area.

21. Once on the ground, Withers continued to be noncompliant and pulled his knees upward toward his stomach and tried to pull away and roll away from both Lieutenant Green and me.

22. Using "key lock" control holds on both of Withers' arms, Lieutenant Green and I were able to gain control of Withers and place him in handcuffs.

23. At no time during this interaction did I punch or kick Withers.

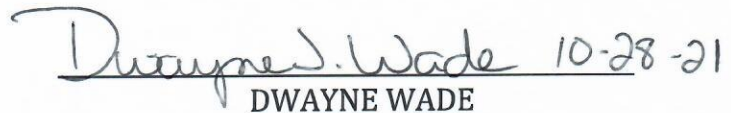
24. At no time during this interaction did I strike Withers with my elbow or my knee.

25. After we brought Withers to his feet, I noticed he had blood on his face.

26. EMTs were on the scene, and I asked them to check on Mr. Withers.

27. I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Date: 10/28/2021

 10-28-21
DWAYNE WADE